

Department of Permits Approvals and Inspections  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 88162

Clarence S McNeal  
Irene McNeal  
810 Orems Road  
Baltimore MD 21221

136 Kingston Park Lane

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on March 23, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-208, 208(1), 209, 209(c)(e), 211, 212, 212 (b), 213, 213 (b), for missing smoke detector w/battery backup, rodent infestation, missing co detectors, mold, rotten bath and kitchen floor, dryer not vented outside, missing tiles, windows not weather tight on residential property.

On March 10, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$37,200.00 (thirty seven thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Thomas and Melanie Owens, tenants, Clarence McNeal, son representing mother, owner, Gerald Dixon, hired home inspector, Caren Whittbecker, agent for Irene McNeal and, Christina Frink, Baltimore County Code Enforcement Officer.

Testimony was presented that, based on a telephone complaint an inspection of the property was carried out on 2/7/11 revealing rodent droppings and mold, absence of proper smoke and CO2 detectors, rotten floors, missing drywall panels, non working appliances, dryer not properly vented, exposed wiring, and drainage and heating deficiencies. A correction notice was issued and posted. A

re-inspection took place on 3/10/11. Two smoke detectors had been installed, with an additional detector still needed on the second floor. Other work had not been started and after talking to the tenant and owner regarding issues related to the contractor's behavior, which resulted in his being denied entrance to the premises by the tenant, the inspector issued a citation, directing all parties to appear at the hearing. The citation was mailed and posted.

Thomas Owens, the tenant, testified that he, his wife and child had moved into the premises in July 2008. He described the continuing problems and difficulties they have had with the property and the owner since that time. He stated that, to his knowledge, the property was not properly registered with the County, that, among his other complaints, the rodent and mold problems continued unabated, and he had been forced to triple the readings on the various thermostats in the premises to try to heat it properly due to the structural air and heat leakage issues. He outlined his complaints as to Mr. Dixon, an apparently unlicensed contractor of some description, who had been charged with making repairs. He further complained as to notice issues for entrance to his home, ostensibly for Mr. Dixon to enter and attempt to work on the property.

Ms. Whitbecker, agent for the owner (her mother) testified that she is not a professional manager and was not aware that the property was not registered in compliance with County law. Although not charged with a violation for the property's non-registration, and although she stated it was not her intention to re-rent the property, she was admonished to deal with that issue and arrange to register properly immediately upon completion of the hearing. She testified that she had and was dealing with the detector safety issues, but noted that she was having issues with the tenant as to entry to the property to make repairs and deal with the additional health and safety violations. She understood that the repair needed to be made by a licensed contractor, although Mr. Dixon could assist her with the selection of appropriate people to carry out the repairs. She also stated that she and the tenants were also involved in unrelated landlord tenant rent litigation, which was complicating repair.

Although I believe that the owner was deficient in her duties as property manager, both as to registration and in being pro-active in maintaining the property, I admonished all parties to cooperate in allowing properly licensed and qualified repair personnel to enter the premises at reasonable times and, upon reasonable notice, and directed that they utilize the good offices of the inspector to see that repairs were carried out in short order.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$7,000.00 (seven thousand dollars).

IT IS FURTHER ORDERED that \$5,000.00 of the \$7,000.00 civil penalty be suspended, with an immediate \$2,000.00 fine imposed at this time.

IT IS FURTHER ORDERED that the remaining \$5,000.00 will be imposed if the property is not brought into compliance by April 29, 2011.

IT IS FURTHER ORDERED that the remaining \$5,000.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 29<sup>th</sup> day of March 2011

Signed: Original Signed 3/29/11  
Lawrence M. Stahl  
Managing Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.